

REMARKS

This Amendment is submitted in reply to the Third Office Action dated June 6, 2006. Applicants respectfully request reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Summary of the Examiner's Rejections

Claims 1-2, 6-7, 17 and 20-22 were rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement.

Claims 1-2, 6-7 and 22 were rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Janssen (US 6,461,709).

Claims 1 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (US 4,944,822).

Claims 1-2 and 6-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Horvath (US 5,188,692).

Claims 17 and 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farrell (US 2,556,529) in view of Janssen (US 6,461,709).

Summary of Amendment

Applicants have canceled Claims 1-2, 6-7 and 22 (without prejudice) and added new Claims 26-27.

Remarks regarding § 112 (first paragraph) rejection

Claims 1-2, 6-7, 17 and 20-22 were rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement because the Applicants did not provide any reference to the term "regular" or any definition of the term "regular" in the specification. Applicants have amended the specification to include the following text "As shown in FIGS. 1B, 2B-2C and 3B-3C, the top protective film 104 and/or the bottom protective film 108 can if desired be made to have regular patterned embossed features 110 (e.g., rough features 110) where the regular patterned embossed features 110 are ordered according to a predetermined design such that there will be air pockets 165 located between the stacked coated glass sheets 100 which makes it easier to separate one glass sheet 100 from another glass sheet 100." The support for this amendment to the specification can be found in FIGURES 1B, 2B-2C and 3B-3C (see MPEP 608 which states the drawings are considered part of the specification). Accordingly, Applicants respectfully request removal of the § 112 (first paragraph) rejection.

Remarks regarding § 103(a) rejections

Applicants respectfully submit that amended independent Claim 17 is not taught by Farrell and/or Janssen. The claimed invention as recited in independent Claim 17 is as follows:

17. A container for holding a plurality of glass sheets, said container comprising:

a first side;

an opposing second side;

two additional sides;

a top; and

a bottom all of which enclose said glass sheets, each glass sheet includes:

a top surface coated with a removable top protective film; and

a bottom surface coated with a removable bottom protective film, wherein the glass sheets are stacked next to one another such that the top protective film of one glass sheet is adjacent to the bottom protective film of another glass sheet, wherein the top protective film and bottom protective film on each glass sheet have regular patterned embossed features therein, wherein the regular patterned embossed features on the top protective film have a different shape or are located in a different position than the regular patterned embossed features on the bottom protective film which make it easier to separate one glass sheet from another glass sheet because of the presence of air pockets caused by the regular patterned embossed features located between said stacked glass sheets (emphasis on main distinguishing limitation).

The teachings of Farrell and Janssen differ significantly from the present invention as recited in amended independent Claim 17. The independent Claim 17 recites a container which holds glass sheets that are stacked next to one another such that a top protective film of one glass sheet is adjacent to the bottom protective film of another glass sheet, where the top protective film and bottom protective film on each glass sheet have regular patterned embossed features therein, where the regular patterned embossed features on the top protective film have a different shape or are located in a different position than the regular patterned embossed features on the bottom protective film which make it easier to separate one glass sheet from another glass sheet because of the presence of air pockets caused by the regular patterned embossed features located between the stacked glass sheets (e.g., see FIGURES 2D and 3D). Farrell does not disclose the use of protective films on the tops and bottoms of the individual glass sheets (see page 5 in pending Office Action). And, Janssen discloses a single glass sheet (which is associated with a window, signage or display) that has one stack of transparent sheets applied to one side thereof and a second stack of transparent sheets applied to the other side thereof (see FIG. 13). The transparent sheets are designed to be removable from each other such that a fresh transparent sheet can be exposed after a topmost transparent sheet above is damaged (for instance by a graffiti artist) and removed. The transparent sheets can have printed or embossed images/graphics contained thereon (see col. 19, lines 59-62). As can be seen, Janssen does not disclose or suggest the stacking of glass sheets themselves only the stacking of removable transparent sheets on either side of the single glass

sheet. Accordingly, the Applicants respectfully submit that the aforementioned underlined limitations to independent Claim 17 are not disclosed in Farrell and/or Janssen.

In addition, Applicants respectfully submit that Farrell and/or Janssen can not be combined to teach the claimed container. Because, Farrell discloses a shipping carton sized to receive a plurality of glass sheets which are assembled in a parallel spaced apart relationship (see FIG. 3). In particular, Farrell's shipping carton has four corner cushioning members (or pads) all of which have a thick, dense assembly of corrugated sheets with a yieldable cushioning for engaging and supporting the glass sheets in spaced relationship to one another and to the walls of the shipping carton (see col. 2, line 45 through col. 3, line 33 and FIGS. 1-3). Thus, if one were to change Farrell's shipping carton in an attempt to read on the claimed container (within which protected glass sheets are physically stacked on top of one another) then the proposed change to Farrell's shipping carton would render it unsatisfactory for its intended purpose which is to protect glass sheets by supporting them in a spaced apart relationship with respect to one another and by making sure the glass sheets do not contact the interior walls of the shipping carton. The MPEP 2143.01 states that if this situation occurs then there is no suggestion or motivation to make the proposed modification which was used to reject the claimed invention.

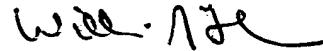
Moreover, Janssen discloses where a single glass sheet (which is associated with a window, signage or display) has one stack of removable transparent sheets applied to one side thereof and a second stack of removable transparent sheets applied to the other side thereof (see FIG. 13). Thus, if one were to change Janssen's teaching in an attempt to read on the claimed container (within which protected glass sheets are physically stacked on top of one another) then the proposed change to Janssen would render it unsatisfactory for its intended purpose which is to protect a single glass sheet by applying a removable stack of fresh transparent sheets to both sides thereof such that as one of the transparent sheets is damaged (by a graffiti artist) it can be removed to expose a non-damaged transparent sheet. Plus, Janssen does not disclose or suggest the stacking of glass sheets (which have the removable transparent sheets applied thereto) for purposes of transit. Instead, Janssen appears to disclose where the transparent sheets are applied to windows which are already installed in for example public transportation vehicles such as buses or subway trains (see col. 1, lines 20-23). Thus, the Examiners motivation for combining Farrell and Janssen to read on the claimed container is not supported by Farrell and Janssen. In view of the foregoing, Applicants respectfully submit that pending independent Claim 17 (plus associated dependent Claims 20 and 21) and new independent Claims 26-27 (which contain limitations that are similar to the aforementioned highlighted limitations in independent Claim 17 except that the term "regular patterned" has been deleted) are patentable over Farrell and Janssen.

Conclusion

Applicants respectfully submit that all of the stated grounds of rejections have been accommodated and rendered moot. Accordingly, Applicants respectfully request the reconsideration of all outstanding rejections and the allowance of pending Claims 17, 20-21 and 26-27.

Enclosed is a USPTO Credit Card Payment Form filled out for \$ 520.00 is enclosed to cover the one-month extension fee and the additional claim fee for the two new independent Claims 26-27. If this is incorrect, the Commissioner is authorized to charge any fees which may be required for this paper to Deposit Account No. 50-1481.

Respectfully submitted,



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